

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 76/362,977
Published in the Official Gazette of June 3, 2003 on page TM 441
International Class: 030
Filed: January 24, 2002
Mark: ALPINE CONFECTIONS



12-08-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #22

<p>WORLD CONFECTIONS, INC. Opposer,</p> <p>vs.</p> <p>KENCRAFT, INC. Applicant.</p>	<p>Opposition No. 91158237</p> <p>APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES</p>
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Kencraft, Inc., Applicant, answers the Notice of Opposition as follows:

1. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
2. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
3. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
4. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
5. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

6. Applicant admits that Opposer filed Trademark Application Serial No. 76/365845 February 1, 2002 in Int'l Class 030. Applicant admits having filed Trademark Application Serial No. 76/362977 on January 24, 2002 now pending in Int'l Class 030. As to all other allegations, Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

7. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

8. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

9. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

10. As to the first clause, Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies. As to the second clause, Applicant admits.

11. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

12. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

13. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

AFFIRMATIVE DEFENSES

The Opposer's claims fail to state a claim upon which relief may be granted.

The Opposer's claims should be denied on the principle of unclean hands.

The Opposer's claims should be denied because Opposer failed for the relevant period of time to use the ALPINE CONFECTIONS mark resulting in abandonment of the mark. Any attempts of Opposer to revive its abandoned mark must result in Opposer being junior in use to Applicant's January 24, 2002 application.

DATED this 5th day of December, 2003.

KIRTON & McCONKIE

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2003, a true and correct copy of the foregoing APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES was served on the following counsel, by United States mail, postage prepaid, in an envelope addressed as follows:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER (GENERAL)
(With Certificate of Mailing by First Class Mail)

Applicant/Registrant: **Kencraft, Inc.**
Serial No.: **76/362,977**
Registration No.:
Trademark: **ALPINE CONFECTIONS**

Docket No.
8598.131

TO THE COMMISSIONER FOR TRADEMARKS:

Transmitted herewith is the following:

**Applicant's Answers and Affirmative Defenses (3 pgs); and
postcard**



Opposition No: 91158237

12-08-2003

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☒ No fee is required.

☐ Please charge Deposit Account No. _____ in the amount of _____

☐ A check in the amount of _____ is attached.
Any excess or insufficiency should be credited or debited to Deposit Account No. _____


Signature

Dated: **December 5, 2003**

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I certify that this document and fee is being deposited
on **Dec. 5 2003** with the U.S. Postal Service as
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Signature of Person Mailing Correspondence

Margaret Carlson

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